

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

US Commodity Futures Trading Commission,
et al.

Plaintiff,

v.

Case No.: 1:15-cv-02881
Honorable John Robert
Blakey

Kraft Foods Group, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, March 31, 2021:

MINUTE entry before the Honorable John Robert Blakey: On 2/14/20, this Court entered an Order [378] (Contempt Ruling), granting in part, and denying in part, Kraft's motions for contempt, sanctions and other relief [315] [316]. As part of that Contempt Ruling, this Court stated that based upon the "egregious misconduct by Plaintiff, this Court grants in part Defendants' motions [315] and [316], and this Court shall issue findings of fact and conclusions of law by separate order." [378]. As promised (prior to the worldwide pandemic), this Court still intends to issue that overdue opinion (and do so in the very near future) setting forth those written findings and the procedural history leading up to the Contempt Ruling. In the interim, this Court now addresses two subsequent motions filed by the parties after issuance of the Contempt Ruling: (1) Kraft's agreed Motion to Withdraw [382], seeking permission to withdraw Kraft's prior motions for contempt and sanctions (contingent upon the submission and final approval of a new consent order); and (2) the CFTC's Motion for Relief from Order [384], seeking reconsideration of the Contempt Ruling or, in the alternative, the addition of "certain parameters to reflect changed circumstances." [384] at 1. After careful review by the Court, these two motions are granted in part, and denied in part. As to Kraft's motion to withdraw [382], that motion was filed on 3/4/20, after this Court had already entered its Contempt Ruling on 2/14/20, granting in part and denying in part Kraft's motions for contempt. Obviously, a party cannot withdraw a motion after a court rules upon it; thus, Kraft's request to withdraw the motions is untimely. Nor would Kraft's intention to possibly withdraw its contempt motions, even if timely, have affected or mooted this Court's prior Contempt Ruling (or the underlying written findings) against the CFTC, which could have all been issued *sua sponte*. There "can be no question that courts have inherent power to enforce compliance with their lawful orders through civil contempt." Ott v. City of Milwaukee, 682 F.3d 552, 555 (7th Cir. 2012) (quoting *Shillitani v. United States*, 384 U.S. 364, 370 (1966)). Additionally, on its own terms, Kraft's agreed motion to withdraw remains contingent upon this Court's final approval of a new consent order, a draft copy of which the parties have shared with this Court, [382] at 1, but which is still subject to possible revision and has not yet been entered. In fact, this Court has previously stated that it would allow the parties to revisit the terms of the proposed consent order (if

needed) after reviewing this Court's forthcoming written findings. [387] at 24. That said, to the extent Kraft's motion [382] seeks reconsideration of this Court's Contempt Ruling, as to the nature of the resulting sanctions flowing from the Contempt Ruling, this Court grants that request, and the prospect of a new settlement between the parties will be reflected in the forthcoming findings. Finally, the CFTC's motion for relief [384] is granted in part, but only to the extent it (like Kraft) seeks, in the alternative, for this Court to reflect in its findings the "changed circumstances" of a potential settlement; and for this Court to refrain from "naming individuals" from the CFTC in its findings against the CFTC itself [384]. The Court otherwise denies the CFTC's motion [384]. Mailed notice(gel,)

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